

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
WASSIM MOHAMMAD AZIZI,
Defendant

No. CR-06-0548 MMC

**ORDER DENYING DEFENDANT’S EX
PARTE MOTION PERMITTING
ISSUANCE OF RULE 17(C)
SUBPOENAS**

Before the Court is defendant’s “Ex Parte Motion Permitting Issuance of Rule 17(c) Subpoenas” (“Motion”), filed February 13, 2008.¹

A party seeking production of material prior to trial pursuant to Rule 17(c) of the Criminal Rules of Civil Procedure must (1) show the material is “relevant,” (2) show the material is “admissible,” and (3) request the material with “specificity.” See United States v. Nixon, 418 U.S. 683, 700 (1974). Further, “Rule 17(c) was not intended as a discovery device.” See United States v. Grace, 434 F. Supp. 2d 869, 873 (D. Mont. 2006). Here, defendant “[does] not request specific documents,” but, rather, the “entire [] investigation file,” see id., and states the material sought “may be” relevant, (see Motion at 2:1-2). Moreover, defendant fails to set forth any explanation for such assertion of relevance, and

¹Defendant’s request to file under seal the instant motion and supporting declaration of Julia M. Jayne is GRANTED.

1 the relevance of the material sought is not self-evident. Lastly, given the above-described
2 lack of specificity, the Court cannot determine whether the material would be admissible.


3 Accordingly, the motion is hereby DENIED.

4 **IT IS SO ORDERED.**

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6 Dated: February 19, 2008

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MAXINE M. CHESNEY
United States District Judge

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